

A

## B I L L

TO

Diminish the Expense and Delay of passing Local and Personal Acts relating to Ireland through Parliament. A.D. 1872.

**W**HEREAS it is expedient to diminish the expense and delay in passing Local and Personal Acts relating to Ireland through Parliament:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as "The Local and Personal Bills Act (Ireland), 1872."

2. This Act shall apply to all cases where it is now necessary to pass an Act of Parliament, or to continue or amend an Act of Parliament relating to Ireland exclusively, for any of the purposes enumerated in this section: The making, establishing, erecting, improving, maintaining, repairing, altering, extending, enlarging, or regulating any aqueduct, archway, burial ground, bridge, canal, charity, church or chapel, cut, dock, drainage, embankment, fair, ferry, fishery, harbour, market or market place, navigation, pass for salmon or other fish, pier, post, railway, reservoir, road, sewer, street, tramway, tunnel, weir or waterworks in Ireland; the reclaiming of land in Ireland; the confirming, prolonging, or transferring the term of letters patent in Ireland; the paving, lighting, watching, cleansing, widening the streets of, or improving any city or town or district in Ireland; the incorporating or giving original or additional powers to any company or corporation, whether trading or otherwise, which shall have its principal office in Ireland, or carry on business principally in Ireland; or the imposing of any rate, toll, or tax, or the taking of any land for any of the purposes or objects stated in this section.

3. Any person or persons intending to make application for a Provisional Order, in pursuance of this Act, for any of the foregoing purposes, may present a petition to the Lord Lieutenant of Ireland, [Bill 27.]

A

*Petition to Lord Lieutenant for Provisional Order.*

A.D. 1872.

—

praying for a Provisional Order in pursuance of this Act, and such petition shall be supported by such evidence as the Lord Lieutenant may require. Said petition and provisional order shall be filed in the office of Her Majesty's Court of Common Pleas at Dublin, herein styled "The Parliamentary Office, Ireland."

5

Promoters of petition.

4. Any corporation, public company, or grand jury in Ireland may be promoters of any petition under this Act.

Inquiry on receipt of petition.

5. On the receipt of any such petition, inquiry may be directed by the Lord Lieutenant, if he think fit, before such person or persons as he may appoint, after giving *fourteen days* notice of the time, place, and subject of the inquiry.

10

Lord Lieutenant may issue Provisional Order.

6. It shall be lawful for the Lord Lieutenant of Ireland to issue a Provisional Order in relation to the several things mentioned in the petition, and either in accordance with the prayer thereof, or such modification as may be requisite, and such Provisional Order shall be published in "The Dublin Gazette," and *three or more* Irish newspapers.

15

In case of objections Lord Lieutenant shall order trial to take place before a judge.

7. In case any petition shall be presented to the Lord Lieutenant of Ireland, within *one month* after such publication, against any Provisional Order or any portion thereof, the Lord Lieutenant of Ireland shall direct the trial of the objections and of the whole matter in reference to said petition, to take place before a puisne judge of one of Her Majesty's Superior Courts of Common Law at Dublin.

20

Trial to take place before one of the judges on the parliamentary rota.

8. Such trial shall take place before one of the judges placed on the rota for the trial of election petitions during the year. Said judges shall be styled hereafter "The judges for the time being on the parliamentary rota."

25

Order for trial and proceedings to be sent to Court of Common Pleas.

9. The Lord Lieutenant of Ireland shall direct the order for trial, the petition of objections, and proceedings thereon, to be sent to the Master of the Common Pleas in Ireland, to be filed in the office now known as the Election Petitions Office, and to be styled hereafter "The Parliamentary Office, Ireland."

30

Judges to try cases according to seniority.

10. The judges for the time being on the said rota shall, according to their seniority, try the cases standing for trial under this Act, unless they otherwise agree among themselves.

35

Standing Orders to apply to proceedings.

11. The Standing Orders of the House of Commons and of the House of Lords shall, except as herein is excepted, apply to all proceedings under this Act, and no petition shall be heard, nor shall any proceedings be taken thereupon, until the said Standing Orders of the House of Commons and of the House of Lords shall have

40

- been complied with: Provided, however, that all documents directed by said Standing Orders to be filed or deposited in the Private Bills Offices of the House of Commons or the House of Lords may be deposited in "the Parliamentary Office, Ireland." The Lord Lieutenant of Ireland may appoint an officer to be called the "Examiner of Standing Orders."
12. Any objection to the hearing of a petition, or to any proceeding being taken thereon, on the ground of said Standing Orders not having been complied with, or otherwise, shall be heard before said examiner, with an appeal to one of the said judges on the said parliamentary rota. On the hearing of said objections, the said examiner or judge may, if he think fit, direct notices to be served, and other proceedings to be taken, and may give liberty to the promoters of the petition to proceed therewith.
13. The provisions of the Parliamentary Elections Act, 1868, shall apply to this Act as regards the trial of cases, the proceedings, the witnesses, the jurisdiction and rules of court, the reception, expenses, and jurisdiction of the judge, as if same had been re-enacted in this Act.
14. *The rules and regulations of the Lords Commissioners of Her Majesty's Treasury, made in reference to the expenses of the judges and the payment of their registrars in Ireland under the Parliamentary Elections Act, 1868, shall apply to all proceedings under this Act.*
15. The judges for the time being on the said parliamentary rota may from time to time make and revoke and alter general rules and orders for the effectual execution of this Act, and the intention and objects thereof, and as to practice, procedure, and costs.
16. The said judges on the parliamentary rota may, with the sanction of Her Majesty's Commissioners of the Treasury, appoint and fix fees, to be paid in the nature of stamp duties, on the several documents to be filed under this Act by promoters of any bill, or by any other parties.
17. The said judges on the parliamentary rota, or any one of them, may direct the trial to take place in Dublin, or elsewhere in Ireland.
18. Any order made by any of the said judges on the parliamentary rota as to costs may be made a rule of the Court of Common Pleas at Dublin, and enforced accordingly.
19. The Master of the Court of Common Pleas in Ireland shall tax all costs according to the present scale of taxation of the costs of parliamentary agents in London. An appeal shall lie to the judges on the parliamentary rota from any ruling of the Master as

A.D. 1872.

Appoint-  
ment of  
examiner.Objections  
as to non-  
compliance  
with Stand-  
ing Orders.Provisions  
of Parlia-  
mentary  
Elections  
Act, 1868,  
to apply to  
this Act.Rules of  
Treasury to  
apply to  
this Act.Judges may  
make general  
orders.Judges may  
fix fees in  
the nature of  
stamp duties.

Venue.

Costs.

Taxation of  
costs.

- A.D. 1872. — to costs. The costs of the promoters shall be provided for in each Provisional Order. No other costs shall be taxed, except by order of one of the said judges.
- Incorporation of Acts of Parliament. 20. It shall be lawful, on the settlement of the Provisional Order, to incorporate therewith any Act of Parliament or any portion of 5 any Act of Parliament.
- Lord Lieutenant may appoint officers, &c. 21. It shall be lawful for the Lord Lieutenant of Ireland to appoint and remove, from time to time, all officers, clerks, and servants, necessary to carry out the provisions of this Act. The Commissioners of Her Majesty's Treasury shall fix the salaries and 10 allowances of such officers, clerks, and servants.
- Powers of Judge. 22. On the trial before a judge under this Act, the judge shall have and exercise the powers of a superior court of common law, and shall exercise the same powers and jurisdiction which a Select Committee of the House of Lords or the House of Commons 15 exercises when a Bill has been read a second time and stands committed.
- Final order. 23. After hearing the parties, the judge shall make a final Provisional Order.
- Short-hand writer. 24. The judge at the trial may appoint a short-hand writer to take 20 the evidence. Such short-hand writer shall take the following oath :  
 ' I A.B. make oath and say, I will truly take down the evidence  
 ' in this matter, and give true copies thereof to the parties  
 ' entitled thereto.' 25  
 Such short-hand writer shall be paid such fees as the said judges on the rota may appoint.
- Minutes of evidence. 25. The judge may order the minutes of any evidence taken before him to be printed at the expense of the parties, or any of them, and to be annexed to the final Provisional Order. 30
- Order in unopposed cases. 26. In unopposed cases, the final Provisional Order may be made by the Lord Lieutenant on the report of any officer appointed by him for that purpose.
- Filing of orders. 27. All final Provisional Orders shall be filed in said office in the Court of Common Pleas in Ireland. 35
- Confirmation of orders by Act of Parliament. 28. Whenever any such final Provisional Order shall have been made, whether in opposed or unopposed cases, the Chief Secretary to the Lord Lieutenant of Ireland shall, as soon as conveniently may be, take all necessary steps for the confirmation of such Orders by Act of Parliament; but previously to such confirmation by Act 40 of Parliament, such Orders shall not be of any validity whatever,

and every Act of Parliament confirming such Order shall be deemed a general public Act, and all such Orders, when confirmed by Act of Parliament, shall have the same effect as if expressly enacted by Parliament.

A.D. 1872.  
—

Local Legislation  
(Ireland) (No. 2).

---

A

B I L L

To diminish the Expense and Delay of  
passing Local and Personal Acts re-  
lating to Ireland through Parliament.

(*Prepared and brought in by*  
*Mr. Haon, Mr. Pea, and Mr. Bagnell.*)

---

*Ordered, by The House of Commons, to be Printed,*  
*8 February 1872.*

---

[Bill 27.]

*Under 1 oz.*